

E-filed on November 30, 2006

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6 *Attorneys for the Official Committee of Equity  
 Security Holders of USA Capital Diversified Trust  
 Deed Fund, LLC*

## UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

10 In re:  
 11 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

12 In re:  
 13 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

14 In re:  
 15 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725-LBR

16 In re:  
 17 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

**NOTICE OF HEARING OF OMNIBUS  
 OBJECTION OF THE OFFICIAL  
 COMMITTEE OF EQUITY SECURITY  
 HOLDERS OF USA CAPITAL  
 DIVERSIFIED TRUST DEED FUND,  
 LLC TO CLAIMS ON EQUITY  
 MISFILED AS CREDITOR CLAIMS  
 BY KAREN PETERSEN TYNDALL  
 TRUST, KPT IRREVOCABLE TRUST  
 DATED 7/16/99, WILLIAM M.  
 SPANGLER, JEAN A. SPANGLER,  
 GARY MICHELSSEN, JOHN E.  
 MICHELSSEN FAMILY TRUST,  
 MARGARET B. MCGIMSEY TRUST,  
 MIRIAM B. AND GEORGE J. GAGE,  
 GEORGE J. GAGE TRUST, AND  
 SHARON OR JERRY MCGIMSEY**

18 In re:  
 19 USA SECURITIES, LLC,  
 Debtor.

Date: January 3, 2007  
 Time: 9:30 a.m.  
 Courtroom: 1

20 Affects:  
 21  All Debtors  
 USA Commercial Mortgage Company  
 USA Securities, LLC  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA First Trust Deed Fund, LLC

1   **TO: KAREN PETERSEN TYNDALL TRUST**  
 2   **KPT IRREVOCABLE TRUST DATED 7/16/99**  
 3   **WILLIAM M. SPANGLER**  
 4   **JEAN A. SPANGLER**  
 5   **GARY MICHELSSEN**  
 6   **JOHN E. MICHELSSEN FAMILY TRUST**  
 7   **MARGARET B. MCGIMSEY TRUST**  
 8   **MIRIAM B. AND GEORGE J. GAGE**  
 9   **GEORGE J. GAGE TRUST**  
 10   **SHARON OR JERRY MCGIMSEY**  
 11   **DEBTOR**  
 12   **ATTORNEYS FOR DEBTOR**  
 13   **U.S. TRUSTEE**  
 14   **ALL PARTIES IN INTEREST**

1   **NOTICE IS HEREBY GIVEN** that the Official Committee of Equity Security Holders  
 2   of USA Capital Diversified Trust Deed Fund, LLC (the “Diversified Committee”) filed its  
 3   Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital  
 4   Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the  
 5   “Objection”). The Objection is based upon the grounds that the proofs of claim described on  
 6   Exhibit “1” attached hereto are claims on equity interests of debtor USA Capital Diversified  
 7   Trust Deed Fund, LLC (“Diversified Fund”) that have been erroneously filed as creditor claims  
 8   against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled  
 9   claims. A copy of the Objection may be obtained at the bankruptcy court’s website at  
 10   <http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-3373.

11   Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

12   Local Rule 9014(d)(1): “Oppositions to a motion must be filed and  
 13   service must be completed on the movant no later than fifteen (15) days  
 14   after the motion is served except as provided by LR 3007(b) and LR  
 15   9006. If the hearing has been set on less than fifteen (15) days’ notice,  
 16   the opposition must be filed no later than five (5) business days before  
 17   the hearing, unless the court orders otherwise. The opposition must set  
 18   forth all relevant facts and any relevant legal authority. An opposition  
 19   must be supported by affidavits or declarations that conform to the  
 20   provisions of subsection (c) of this rule.”

21   Please carefully review the Omnibus Objection included with this Notice, particularly  
 22   Exhibit 1 referenced above concerning your claim(s).

**IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S  
OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS  
OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS  
OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER  
THAN DECEMBER 26, 2006.**

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
  - The court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on January 3, 2007 at the hour of **9:30 a.m.**

Respectfully submitted this 30<sup>th</sup> day of November 2006.

BECKLEY SINGLETON, CHTD

By:       /s/Anne Loraditch

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*Attorneys for the Official Committee of Equity  
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**EXHIBIT "1"**  
**CLAIMS ON EQUITY**

3 <b>Claim No.</b>	4 <b>Claimant</b>	5 <b>Claim Amount</b>	6 <b>Proposed Disposition</b>
82-1	Karen Petersen Tyndall Trust dated 3/9/94 (Acct #1712)	\$432,425.91	Reclassify as proof of interest
83-1	Karen Petersen Tyndall Trust dated 3/9/94 (Acct #963)	\$312,307.60	Reclassify as proof of interest
84-1	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38	Reclassify as proof of interest
85-1	Karen Petersen Tyndall Trust Dated 3/9/94 (Acct #4231)	\$1,115,915.59	Reclassify as proof of interest
86-1	William M. Spangler (Acct 6249)	\$48,047.32	Reclassify as proof of interest
87-1	William M. Spangler Jean A. Spangler (Acct 8249)	\$72,070.98	Reclassify as proof of interest
88-1	Gary Michelsen	\$Unknown	Reclassify as proof of interest
89-1	John E. Michelsen Family Trust	\$Unknown	Reclassify as proof of interest
90-1	Margaret B. McGimsey Trust	\$96,094.75	Disallow as duplicative of proof of interest already on file
91-1	Miriam B. Gage and George J. Gage	\$283,838.53	Reclassify as proof of interest
92-1	George J. Gage Trust Dated October 8, 1999	\$48,047.32	Reclassify as proof of interest
93-1	Sharon or Jerry McGimsey	\$311,091.58	Disallow as duplicative of proof of interest already on file
111-1	George J. Gage Trust Dated October 8, 1999	\$48,047.32	Disallow as duplicative of Claim no. 92-1
112-1	Miriam B. Gage and George J. Gage	\$283,838.53	Disallow as duplicative of Claim no. 91-1
118-1	Karen Petersen Tyndall Trust Dated 3/9/94	\$1,115,915.59	Disallow as duplicative of Claim no. 85-1
119-1	KPT Irrevocable Trust Dated 7/16/99	\$202,866.38	Disallow as duplicative of Claim no. 84-1

<b>Claim No.</b>	<b>Claimant</b>	<b>Claim Amount</b>	<b>Proposed Disposition</b>
127-1	John E. Michelsen Family Trust	\$Unknown	Disallow as duplicative of Claim no. 89-1
128-1	Gary Michelsen	\$Unknown	Disallow as duplicative of Claim no. 88-1
129-1	Margaret B. McGimsey Trust	\$96,094.75	Disallow as duplicative of Claim no. 90-1
130-1	Sharon or Jerry McGimsey	\$311,091.58	Disallow as duplicative of Claim no. 93-1
134-1	William M. Spangler	\$48,047.32	Disallow as duplicative of Claim no. 86-1
135-1	William M. Spangler and Jean A. Spangler	\$72,070.98	Disallow as duplicative of Claim no. 87-1